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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

YIGDALL, MICHAEL J

ART UNIT PAPER NUMBER

2192

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/964,763

Applicant(s)

ROBISON, ARCH D.

Examiner

Michael J. Yigdall

Art Unit

2192

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 August 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered ~~and an explanation of how the new or amended claims would be rejected is provided below or appended.~~
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1,3-7,13,15-17,19-21 and 27-39.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.

Continuation of 11.

Applicant's arguments have been fully considered but they are not persuasive.


Applicant contends that Archambault does not disclose or suggest using a base pointer to determine whether an alias exists with a restricted pointer (Applicant's remarks, page 7, last paragraph).

However, as set forth in the final Office action, Archambault discloses determining the initial alias sets of pointer variables based on the l-values and r-values of the pointers (see, for example, column 5, lines 4-17). Thus, the basis of an alias set, which is to say the "base pointer" of the alias set, is an l-value or an r-value. Archambault clearly illustrates such alias sets in a table that shows pointers lp1, lp2, lp3 and lp4 (column 6, lines 21-33). The initial alias set of pointer lp3 at line 11 of the C program ("lp3-11"), for example, is pointer lp1. Here, the "base pointer" of lp3 is lp1. In the C program, pointer lp3 is assigned the value of pointer lp1 at line 11. Thus, lp3 is assigned the value of another pointer, and that other pointer is the "base pointer" of lp3 in the alias set. Therefore, Archambault teaches "using a base pointer" to determine aliases. Notwithstanding Applicant's statement that "the base pointers of the present application are other pointers assigned as a value, not an address of an actual pointer" (Applicant's remarks, page 8, first full paragraph), it is noted that the value of a pointer is in fact an address. Moreover, although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant contends that Archambault does not disclose or suggest using scope to determine whether an alias exists with a restricted pointer (Applicant's remarks, page 8, last paragraph).

However, as set forth in the final Office action, Archambault discloses determining the alias sets of the pointers in the local scope of each function (see, for example, column 5, lines 52-56) and in the global scope of the program (see, for example, column 5, lines 18-23). Archambault further discloses building a pointer alias graph for each function ("intraprocedural analysis") and subsequently building a universal pointer alias graph for the whole program ("interprocedural analysis") (see, for example, column 7, lines 27-45). Clearly, Archambault is "using scope" to determine the aliases. Archambault expressly discloses that "all of the pointer graphs developed through the intraprocedural pass are gathered into a universal pointer alias graph for the whole program" (column 7, lines 29-31). The examiner agrees that the term "function" is not synonymous with the term "scope," as Applicant suggests (Applicant's remarks, page 9, second full paragraph). Nonetheless, every function has a scope, as is known in the art and as Archambault teaches (see, for example, column 5, lines 52-56). Thus, Archambault indeed considers or "uses" scope (i.e., the local scope of each function and the global scope of the program) to identify the aliases. The plain language of the claims does not exclude the teachings of Archambault.

MY


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